

From: Wendy Wyels  
To: jhicks@cityofsacramento.org; jscharff@scharff.us; ktraugh@scharff.us; ...  
CC: Boyers, David; Del Frate, Todd; Olson, Anne  
Date: 1/7/2011 3:06 PM  
Subject: Meeting follow-up: Dellar Landfill

Marty and Jeff,

Thank you for meeting with staff yesterday to discuss the issues at the Dellar Landfill. As discussed, the parties will provide a proposed schedule showing the steps needed to close the landfill during the 2011 construction season. The parties will also provide documentation regarding mitigation costs, if the elderberry bushes were to be removed. We understand that these documents will be submitted by January 13th.

A review of our file also shows that we have no record of receipt of the May 2010, August 2010, or November 2010 quarterly progress reports. We suggest that these documents be re-created and submitted as soon as possible, in order to stop any potential penalties under California Water Code section 13268.

During the meeting, the dischargers represented that Water Board staff had granted a four-year extension to the deadlines contained in the Cleanup and Abatement Order. Our subsequent review of the case file shows that this is not correct. A 14 June 2010 e-mail from Marty Strauss to Anne Olson and Rick Moss states that a draft letter requesting a four year extension is currently being reviewed by the Dellar attorney, and will be submitted shortly. However, our file does not contain any such letter, nor does it contain any response by Board staff allowing an extension. A 12 July 2010 letter from Mr. Scharff states "we understand that an accommodation was reached that will allow for time to work with the jurisdictional agencies regarding the elderberry bushes." However, our file does not contain any information regarding a time extension. Therefore, the due dates found in Cleanup and Abatement Order R5-2008-0705 are in effect and enforceable. However, as stated during the meeting, staff will propose not to take additional enforcement actions if the landfill is fully closed during the 2011 construction season.

Please feel free to contact me if you have any questions.

Wendy

Wendy Wyels  
Supervisor, Compliance and Enforcement Section  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
phone (916) 464-4835  
fax (916) 464-4681  
[www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

From: Wendy Wyels  
To: Mowry, Melissa; mstrauss@cityofsacramento.org  
CC: Boyers, David; Del Frate, Todd; jscharff@scharff.us; Olson, Anne; St...  
Date: 1/11/2011 11:45 AM  
Subject: Re: FW: Status Report on Dellar Landfill Closure Plan

Melissa and Marty,  
I just looked at all three of the e-mails, and each time you sent the document to someone named Todd at Sacramento County. No wonder we never received them.

Todd Del Frate's e-mail address is tdelfrate@waterboards.ca.gov.

We will now print out the documents with today's date as the date of receipt.

Wendy Wyels  
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Rancho Cordova, CA 95670-6114  
phone (916) 464-4835  
fax (916) 464-4681  
www.waterboards.ca.gov/centralvalley

>>> Melissa Mowry <MMowry@cityofsacramento.org> 1/11/2011 11:31 AM >>>  
Wendy,

Here is the letter we sent to Todd in August of 2010.

Melissa Mowry  
Division Secretary  
Solid Waste  
916-808-4931

From: Melissa Mowry  
Sent: Monday, August 02, 2010 11:08 AM  
To: 'toddi@saccounty.net'  
Cc: Edison Hicks; Dave Brent; Marty Strauss; Bill Busath; 'jscharff@scharff.us'; 'AMcCready@SCSEngineers.com'; Jerry Hicks  
Subject: Status Report on Dellar Landfill Closure Plan

Todd,

Attached is the status report for the Dellar property. If you have any questions please feel free to contact Marty Strauss at 916-808-4934.

Thank you,

Melissa Mowry  
Division Secretary  
Solid Waste  
916-808-4931